



**THE CITY OF NEW YORK
LAW DEPARTMENT**

MICHAEL A. CARDODOZ
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

BRIAN J. FARRAR
Assistant Corporation Counsel
Phone: (212) 341-0797
Fax: (212) 788-0367
Email: bfarrar@law.nyc.gov

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BY ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Marcos Castro v. City of New York, et al.
10 CV 2322 (JG) (LB)

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendant City of New York in the above-referenced matter. Last Thursday, plaintiff filed affidavits of service indicating that defendants Claudia Bartolomei, "Detective Lee," Michael Donleavy, Ismit Hoxha, John Malgaldi, and Eric Theiss were purportedly served with process on December 23, 2010 and thus, their answers would be due on or about January 13, 2011. On that same date, plaintiff filed affidavits of service indicating that defendants Michael Keenan, John Oliva and James Shields were purportedly served with process on December 27, 2010 and thus, their answers would be due on or about January 18, 2011. Without making any representations as to the adequacy of service upon these officers, we respectfully inform the Court that a decision concerning the representation of these officers has not yet been made. However, given the large number of individual defendants and the time-consuming process of determining the representation of a police officer, we respectfully request that the Court, *sua sponte*, grant the individual defendants a 30-day extension of time, until February 17, 2011, to answer or otherwise respond to the amended complaint, if it is that service was properly effected upon these officers. This request is made with plaintiff's counsel's consent.

Furthermore, plaintiff's counsel has informed me that defendants Scott Sweeney and Gerard Abbene will be served with process in the immediate future, if not already. If these additional defendants are, in fact, properly effected with service of process, we request that they too be granted an extension of time to answer or otherwise respond to the amended complaint until February 17, 2011, so that all defendants may respond in the same pleading.

Since the last court conference held on November 23, 2010, plaintiff has amended the complaint to bring claims against eleven individual defendants.¹ Once these individual defendants have answered, the parties will require additional time to conduct discovery with respect to these individuals. Based on these recent developments, defendant respectfully submits that an enlargement of time, of at least 30 days, will be necessary to complete discovery in this matter.

Accordingly, we respectfully request that the Court, *sua sponte*, grant the individual defendants a 30-day extension of time, until February 17, 2011, to answer or otherwise respond to the amended complaint. Defendant further requests that the Court extend the deadline to complete discovery by at least 30 days, until March 30, 2011.

I thank the Court for its consideration of this request.

Respectfully submitted,

/S

Brian J. Farrar
Assistant Corporation Counsel

cc: Darius Wadia, Esq. (by ECF)
Attorney for plaintiff
233 Broadway, Suite 2208
New York, New York 10279

¹ Defendant City filed its answer to the amended complaint on or about December 21, 2010.